

INCOMING OGC #/DATE 84-534
2/2/84 Rec'd 2/3/84

NO ACTION/INFO ONLY

ASSIGNMENT FOR:
GWC ☒ WGJ _____ KLL _____

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MEMO FOR _____
LETTER FOR _____
VERBAL REPLY _____

FILE:
OGC SUBJECT FILE _____
ICA ATTORNEY FILE _____

MISCELLANEOUS COMMENTS:

*UBA Questionnaire Response
c/22gmt staff/UBA*

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DDS&T-094-84

2 February 1984

MEMORANDUM FOR:

[Redacted]

STAT

Associate General Counsel for
Intelligence Community Affairs

FROM

:

[Redacted]

STAT

Chief, Management Staff/DDS&T

SUBJECT

:

American Bar Association Questionnaire
on Intelligence Community Oversight

REFERENCE

:

Your Memorandum OGC 84-1120 of 13Jan84

1. The attached DDS&T response to the American Bar Association's Questionnaire on Intelligence Community Oversight was compiled with the assistance and cooperation of each of the DDS&T Offices.

2. The numbered paragraphs are keyed to the American Bar Association's questionnaire.

3. Please advise us if we can be of further help.

[Redacted]

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DDS&T Response to
American Bar Association Questionnaire on
Intelligence Community Oversight

The following numbered paragraphs are keyed to the questionnaire:

A. Criteria for Evaluation

1. Agree, the agencies themselves, and particularly their employees, who must personally bear accountability for their individual actions, are best served when guided by Congressional oversight. The issue is the degree of oversight required to insure accountability and, at the same time, allow for flexibility in a dynamic environment.

2. There is continuing concern within the intelligence agencies over the ability to protect foreign sources of information given the (apparent) disparity in the granting of clearances to committees, staffs, study groups, or others when compared to the rigorous procedures established for Agency employees. There are a number of activities that could be enhanced significantly by relaxed budgetary controls that have been imposed over the recent past.

3. Yes, by all means nonpolitical. We have been fortunate, within the Intelligence Community, to have been led by individuals of strong character and high personal integrity. It seems that in the area of partisan political controversy, the agency directors are themselves the best defense.

4. Yes, Agree completely, however the leadership in the Executive, Legislative, and Judicial Branches comment upon the effectiveness of the oversight structure and their confidence in the mechanisms.

5. We agree that intelligence activities must comply with the law; in fact many of these unacceptable forms of conduct are excluded by our regulations. Any outside individuals charged with oversight and accountability must be carefully screened in order to preserve the security integrity of the operations.

6. Agree the Executive Branch should consider quality on a continuing basis. Inasmuch as the quality of intelligence varies greatly depending on its ultimate use, the person who is truly in the best position to judge the quality of intelligence is the specific consumer. Direct feedback from these special consumers seems to us to be the best way to determine quality and would include members of Congress, but Congress should only get into the act rarely. They have little capability for making such a judgment. Excessive

Congressional evaluation of quality can only be time consuming and debilitating. Obviously, Congress must make judgments on such issues as our general ability to monitor an arms control agreement but even here much weight must be given the Executive's opinion lest the argument become a purely partisan one.

7. We generally agree; however, in some instances we have found them to be very responsive and knowledgeable of our concerns and specifically the legalities of the operation proposed.

B. Specific Oversight Issues

1. Covert Actions:

- (a) Yes, the legality and desirability of covert action proposals are more than adequately covered.
- (b) Yes, the NSC structure and cabinet serve the function well.
- (c) We feel there is more than adequate oversight.

2. Sensitive Intelligence Collection:

- (a) Yes, we are satisfied with existing controls.
- (b) The Agency's internal review process which relies ultimately upon the personal integrity of its personnel, both career and appointee, has satisfactorily demonstrated that risks and issues of propriety are taken seriously.
- (c) Yes, senior management insists that this be the case.

3. Operations Within the United States:

- (a) Existing regulations assure a proper understanding of the legal restrictions on domestic operations. The availability of the IG and the OGC, as well as the personal integrity of Agency personnel, ensures compliance.
- (b) Yes, the interface with senior management and the Office of General Counsel, together with the sensitivity of all employees, ensures adequate checks on domestic operations.

4. Quality of Intelligence:

- (a) Yes, however these mechanisms are and will continue to be under constant review in order to have the best possible intelligence at all times.

(b) Yes at present, but added and continuing emphasis should be placed on this at all levels.

(c) Yes, but could still be improved.

C. Possible Institutional Changes

1. It would be easier for the Agency to deal with one committee, but seriously doubt Congress would welcome such a move.

2. We do not think the Congress would give up their oversight role to such a board. PFAIB does now serve the President to a certain extent in this case.

3. (a) Yes, it should only deal with issues of oversight and propriety.

(b) No, it has taken the DCI too long to obtain his control over planning, budget and policy.

4. No, we totally disagree.

5. Totally disagree.

6. Disagree, each agency head should appoint his own General Counsel and Inspector General.

7. The DCI as a cabinet member should serve at the pleasure of the President.

8. We believe that the Executive Order route offers more flexibility, while at the same time is perceived by the public as sufficient.

9. No, this is not necessary as adequate safeguards are now in the Executive Order.

10. No, this is the DCI's role.

(a) No, not necessary.

(b) No.